

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

June 22, 1999

DIVISION ONE

Court convened at 9:00 A.M.

Present: Spencer, P.J., Ortega, J., Vogel (Miriam A.), J., Masterson, J., and S. Beaux,
Deputy Clerk.

Each of the following:

B118668 People v. Rodriguez
B118906 People v. Guzman et al.
B119697 People v. Lopez
B119772 People v. Padilla
B120262 People v. Chavez et al.
B120570 People v. Moore
B120619 People v. Boddie
B120718 People v. Brooks
B120753 People v. Baker
B121817 People v. Woodard
B121983 People v. Faucett
B123390 People v. Perry
B123424 People v. Lurence
B123446 People v. Andrate
B124011 People v. Solorzano
B124028 People v. Parks
B124388 People v. Vela
B124433 People v. Underhill
B124554 People v. Bingochea et al.
B124817 People v. Lewis
B125197 People v. Wagner
B125305 People v. Navales
B125801 People v. Romero
B126294 DCFS v. Serena R.
B126307 People v. Del Valle
B127235 People v. Victor B.
B129367 People v. Victor G.

DIVISION ONE (Continued)

Each of the following (cont.):

B130674 Derrick M. v. SCLA

B131025 Melissa P. v. SCLA

B131325 Enrique R. v. SCLA

Argument waived, cause submitted.

B123849 The People v. Boudreau

B126118 In re Boudreau on Habeas Corpus

Merits:

Argued by Lawrence R. Young for appellant and by Noah Hill, deputy attorney general, for respondent. Cause submitted.

B123730 The People v. Boudreau

B126086 In re Boudreau on Habeas Corpus

Merits:

Argued by Lawrence R. Young for appellant and by Noah Hill, deputy attorney general, for respondent. Cause submitted.

B125483 Wolf et al.

v.

Gross

Merits:

Argued by Marc L. Sallus for appellant and by Stephen M. Lowe for respondents. Cause submitted.

DIVISION ONE (Continued)

B122963 The People
 v.
 Green

Merits:

Argued by Jeff Price for appellant and by Audree Wong, deputy attorney general, for respondent. Cause submitted.

B128000 Brown
 v.
 Boren et al.

Merits:

Argued by John S. Chang for appellant and by Gary A. Dordick for respondents. Cause submitted.

B117785 99 Cents Only Stores
 v.
 Cave

Merits:

Argued by H. O. Van Patten for appellant and by David B. Parker for respondent. Cause submitted.

B123966 The People
 v.
 McElvain

Merits:

Argued by Matthew D. Alger for appellant and by Michael C. Keller, deputy attorney general, for respondent. Cause submitted.

B119670 Daks
 v.
 Franchise Tax Board

Merits:

Argued by Charles A. Goff for appellant and by Bonnie Holcomb, deputy attorney general, for respondent. Cause submitted.

DIVISION ONE (Continued)

B122494 Marshak
v.
Silberberg et al.

Merits:
Argued by Theodore A. Cohen for appellant and by Rita Gunasekaran for respondents. Cause submitted.

B118279 Gemini Aluminum Corp., et al.
v.
ANZ Banking Group, Ltd.

Merits:
Argued by Michael T. Stoller for appellants and by Catherine D. Meyer for respondent. Cause submitted.

B116776 Berkovich
v.
Holecheck
Larry Moore & Associates Realtors Inc., et al.

Merits:
Argued by Lee M. Weinberg for appellant and by Cheryl A. Orr for respondents. Cause submitted.

B127873 Maccabee
v.
SCLA
(Your Show Corp., et al., r.p.i.)

Merits:
Argued by Kimberly J. Laliberte for petitioner and by Alan S. Gutman for real parties in interests. Cause submitted.

DIVISION ONE (Continued)

B116364 Tatung Company of America, Inc., et al.
 v.
 Sun et al.

Merits:
Argued by Kathleen M. McDowell for respondents and by Ronald C.
Peterson for appellants. Cause submitted.

B121908 Rowmanowski
 v.
 Chrysler Motors Corp. et al.

Merits:
Argued by Tristram T. Buckley for appellant and by David K. Schultz, for
respondent Chrysler and by Paul Szumiak, for respondent Midway Ford.
Cause submitted.

Spencer, P.J. leaves the bench.

B109835 Franks
 v.
 Southland Corp.

Merits:
Argued by Richard J. Sullivan for appellant Franks and by Tyna Thall
Orren for appellant Southland Corp. and by Michael M. Bergfeld for
appellant Nicassio and by Lillie Hsu for respondent Kazarian. Cause
submitted.

Court adjourned.

DIVISION ONE (Continued)

B124425 Craig (Not for Publication)
v.
Brown & Root, Inc.

The order of dismissal is reversed, and the cause is remanded to the trial court with directions to enter a new order staying further proceedings pending the conclusion of the arbitration. The parties are to pay their own costs of appeal.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Ortega, J.

B121817 People (Not for Publication)
v.
Woodard

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

[illegible]

The judgment is affirmed and the cause is remanded to the trial court with directions to issue a corrected abstract of judgment reflecting the \$200 restitution fine imposed at the time of sentencing.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

June 22, 1999-Continued

DIVISION ONE (Continued)

[illegible]

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B125523 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Mary M.

The order is affirmed.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

B120262 People (Not for Publication)
v.
Chavez et al.

The judgments are affirmed, and the cause is remanded to the trial court with directions to issue corrected abstracts of judgment reflecting the fines that were pronounced at the sentencing hearing.

Vogel (Miriam A.), J.

We concur: Spencer, P.J.
Masterson, J.

June 22, 1999-Continued

DIVISION ONE (Continued)

B124011 People (Not for Publication)
v.
Solorzano

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B120718 People v. Brooks (Not for Publication)

The judgment is affirmed.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

B130674 Derrick M. et al. (Not for Publication)
v.
Superior Court, Los Angeles County
(Dept. of Children & Family Services, r.p.i.)

The petitions are denied.

Vogel (Miriam A.), J.

We concur: Ortega, Acting P.J.
Masterson, J.

DIVISION TWO

B126942 Dillingham Const Inc. (Not for Publication)
v.
Superior Court, Los Angeles County
(County of Los Angeles, r.p.i.)

The Superior Court is directed to set aside its order of October 9, 1998, granting real party's motion for summary judgment, and issue a new and different order denying the motion. Petitioner to recover costs of this petition.

Nott, J.

We concur: Boren, P.J.
Zebrowski, J.

B126605 Los Angeles County, D.C.F.S. (Not for Publication)
v.
April M., et al.
In re Jacquelyn R.

The Court:

The judgment is affirmed.

Boren, P.J., Nott, J., Zebrowski, J.

DIVISION FOUR

B127400 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Martine T.

The order is affirmed.

Epstein, Acting P.J.

We concur: Hastings, J.
Curry, J.

DIVISION FOUR (Continued)

B130332 Cano
v.
Superior Court, Los Angeles County

Filed order modifying opinion. (No change in the judgment)

B126745 People (Not for Publication)
v.
Shaw

For the foregoing reasons, the judgment is affirmed.

Curry, J.

We concur: Vogel (C.S.), P.J.
Epstein, J.

[illegible]

The judgment is affirmed.

Epstein, J.

We concur: Vogel (C.S.), P.J.
Hastings, J.

DIVISION FIVE

B125988 People (Not for Publication)
v.
Carlester Eugene Grisham

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

DIVISION FIVE (Continued)

B116433 People (Not for Publication)
v.
Elmer Eugene Walker

The judgment is modified to reflect the imposition of the \$1,000 Penal Code section 1202.5 restitution fine discussed in the body of this opinion. The superior court clerk is directed to issue an amended abstract of judgment which reflects both restitution fines and forward it to the Department of Corrections. The judgment is affirmed in all other respects.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B127430 Susan Bromiley (Not for Publication)
v.
Marfred Industries, Inc.

The order is reversed. Upon issuance of the remittitur, the trial court is to grant the petition to compel arbitration. Defendant, Marfred Industries, is to recover its costs on appeal from plaintiff, Susan Bromiley.

Turner, P.J.

We concur: Grignon, J.
Godoy Perez, J.

B125204 People (Not for Publication)
v.
Lloyd L. Camp

The judgment is affirmed.

Armstrong, J.

We concur: Grignon, Acting P.J.
Godoy Perez, J.

DIVISION FIVE (Continued)

B116477 Bruce Scott Keller
v.
United Services Automobile Association

Filed order denying petition for rehearing.

B124928 People
B130977 v.
Jefferson Thomas

Filed order denying petition for rehearing.

DIVISION SIX

B120668 People (Not for Publication)
v.
Peebles

The judgment is affirmed.

Yegan, J.

We concur: Gilbert, Acting P.J.
 Coffee, J.

DIVISION SEVEN

B118815 People (Not for Publication)
v.
Carl S.

The judgment is affirmed.

Johnson, J.

We concur: Lillie, P.J.
Neal, J.

DIVISION SEVEN (Continued)

B121176 People v. Scott (Not for Publication)

The judgment is modified to impose a \$200 parole revocation restitution fine under Penal Code section 1202.45. The parole revocation restitution fine is stayed unless and until appellant is recommitted to state prison for this offense after revocation of parole. In all other respects, the judgment is affirmed. The court shall cause its clerk to send the California Department of Corrections an amended abstract of judgment. The abstract of judgment shall include the imposition of the restitution fines under Penal Code sections 1202.4 and 1202.45.

Johnson, J.

We concur: Lillie, P.J.
Woods, J.

B115053 Lawson (Not for Publication)
v.
Vencor Hospital California

The judgment is reversed as to the first cause of action only, and affirmed as to the second, third and fourth causes of action. Appellant shall receive her costs on appeal.

Johnson, Acting P.J.

I concur: Woods, J.
I dissent: Neal, J. (Opinion)

B118729 People (Not for Publication)
v.
Mendoza

The judgment is affirmed.

Lillie, P.J.

We concur: Johnson, J.
 Woods, J.

June 22, 1999-Continued

DIVISION SEVEN (Continued)

B126453 People v. Arzuaga (Not for Publication)

The judgment is affirmed.

Woods, J.

We concur: Lillie, P.J.
 Neal, J.